

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed January 8, 2008. Claims 1-28 are pending in the Application and Claims 29-30 are withdrawn.

Claims 1-28 are rejected under 35 U.S.C. §102(b) as being anticipated by McPartlan *et al.* (U.S. Pat. No. 5,822,569).

In response to these rejections, Claims 1 and 15 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Claims 1-28 - §102(b) Rejection – McPartlan *et al.*

Claims 1-28 are rejected under 35 U.S.C. §102(b) as being anticipated by McPartlan *et al.* (U.S. Pat. No. 5,822,569).

McPartlan *et al.* do not teach “executing a core application, the core application comprising NE element-independent Version Independent functionality that can be invoked to interact with any network element, wherein NE element-independent Version Independent functionality comprises the core application containing no code specific with any network element and code related to general functionality for interaction with any network element.” Examiner states that McPartlan *et al.* describes this at Col. 3, line 22 where it describes “the network manager 30 receives data from the elements of the main network 10...” Respectfully, this is not a core application containing no code specific with any network element and generic code related to general functionality for interaction with any network element.

In Col. 4, lines 7-58, McPartlan *et al.* specifically describes the network manager including code specific to network elements. For example, McPartlan *et al.* states “The network manager 30 uses a set of object classes for modeling the various types of object found in the main network 10.” (Col. 4, lines 35-38). Additionally, McPartlan *et al.* states “the object classes used by the network manager 32 include three object classes corresponding to the object classes used by the network manager 30 for private virtual circuits, router ports, and access ports.” (Col. 4, lines 45-48). Respectfully, both the network manager 30 and 32 in McPartlan *et al.* include code specific to network elements as described by McPartlan *et al.* in these passages.

McPartlan *et al.* does not perform “dynamically incorporating at least a portion of the set of element-dependent modules with the core application to derive a management system capable of managing the particular network element.” Examiner states that McPartlan *et al.* describes this at Col. 9, line 64 – Col. 10, line 10. However, this section describes traps to be issued. This is not incorporating a set of element-dependent modules for managing a particular network element.

McPartlan *et al.* state that the network manager 30 receives data in the CMIP protocol only, and if the data is in another protocol, the data is converted into CMIP.¹ For this purpose, McPartlan *et al.* teach a data storage device 34 which interacts with local network managers 32 for the local network 12.² Respectfully, this is not a core application with NE element-independent Version Independent functionality. McPartlan *et al.* teach a protocol converter between CMIP and SNMP as the data storage device 34, not a core application with independent functionality. Applicants present invention supports various remote invocation mechanisms comprising one of HTTP, SNMP, TCP/IP, CORBA, RPC, JAVA, and RMI, and is not limited to CMIP as is McPartlan *et al.*

¹ U.S. Pat. No. 5,822,568, Col. 3, lines 29-32

² U.S. Pat. No. 5,822,568, Col. 3, lines 30-33

Additionally, McPartlan *et al.* do not teach managing a network element with version independent functionality. Examiner states that McPartlan *et al.* describes this at Col. 3, lines 21-40. Applicants respectfully disagree. This section is describing protocol conversion to/from CMIP and between the network managers 30, 32 and data storage device 34. This is not managing a network element with version independent functionality and dynamically constructing element-dependent modules as required to manage a particular NE type.

Additionally, McPartlan *et al.* teach three distinct components, a network manager 30, a network manager 32 for a local network 12, and a data storage device 34. Applicants disclose a core application capable of operating as both the network manager 30 and 32 without the requirement of a separate protocol converter, which is what the data storage device 34 effectively does.

Claim 1 has been amended to recite;

1. A computer implemented mechanism for dynamically constructing a network element management system, comprising:

executing a core application, the core application comprising NE element-independent Version Independent functionality that can be invoked to interact with any network element, wherein NE element-independent Version Independent functionality comprises the core application containing no code specific with any network element ***and code related to general functionality for interaction with any network element;***

receiving an indication of a particular network element to be managed;

obtaining a description of the particular network element, which specifies one or more characteristics of the particular network element;

accessing, based upon the description, a set of one or more element-dependent modules, the set of element-dependent modules comprising functionality for invoking one or more management services provided by the particular network element;

dynamically incorporating at least a portion of the set of element-dependent modules with the core application to derive a management system capable of managing the particular network element; and

managing the particular network element with the management system with the set of element-dependent modules ***and the core***

application, wherein the managing comprises utilizing remote invocation mechanisms comprising one of HTTP, SNMP, TCP/IP, CORBA, RPC, JAVA, and RMI, and wherein the element-dependent modules enable the core application to invoke specific services provided by the particular network element.

Similar amendments have been made herein in Claim 15.

Accordingly, Applicants respectfully submit that the rejection of Claims 1-28 as being anticipated by McPartlan *et al.* has been traversed, and respectfully request withdrawal.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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